










MISSISSIPPI SUPREME COURT

									
	Leslie King	Jim Kitchens	Josiah Coleman	Jimmy Maxwell	Dawn H. Beam	David Ishee	Mike Randolph	T. Kenneth Griffis	Robert Chamberlin
Confidence Score	Mild Democrat	Mild Democrat	Mild Republican	Mild Republican	Mild Republican	Mild Republican	Mild Republican	Strong Republican	Strong Republican
Opinion Partners	✓	✓							
Dissenting Minority	✓	✓	✓						
Determining Majority									
Lone Dissenter								✓	

SUMMARY

- ▶ Number of justices: **9**
- ▶ Number of cases: **164**
- ▶ Percentage of cases with a unanimous ruling: **65.2% (107)**
- ▶ Justice most often writing the majority opinion: **Justice Griffis (19)**
- ▶ Per curiam decisions: **0**
- ▶ Concurring opinions: **19**
- ▶ Justice with most concurring opinions: **Justice King and Justice Kitchens (5)**
- ▶ Dissenting opinions: **32**
- ▶ Justice with most dissenting opinions: **Justice Kitchens (12)**

COURT CONTENTION

The Mississippi Supreme Court was one of the most contentious courts in the nation in 2020. At least one justice disagreed with the majority's ruling in 56 cases,

which was 35 percent of the time the court issued a ruling. At least one justice dissented in 30 percent of the rulings.

Opinion partners

The two justices who allied most often were Justices King and Kitchens, who agreed 157 times in 2020, which was 96 percent of the time.

Justices King and Kitchens dissented together more than any other pair of justices on the court. They dissented together 34 times, which was 69 percent of all cases with dissents. Justice Kitchens only dissented in three cases in which King was not also a dissenter in 2020. In our *Ballotpedia Courts: State Partisanship* study we tracked the partisanship data on every state supreme court justice in the United States and used that data to assign a partisan Confidence Score. King and Kitchens both recorded Mild Democratic Confidence Scores.

Dissenting minority

In 2020, the Mississippi Supreme Court decided four cases 5-4. The group of three justices who allied most often in dissent were Justices Coleman, King, and Kitchens. Coleman, King, and Kitchens dissented in the same case seven times, which was 58 percent of all cases in which three justices dissented. In our *Ballotpedia Courts: State Partisanship* study King and Kitchens recorded Mild Democratic Confidence Scores and Coleman recorded a Mild Republican Confidence Score. Justices Coleman, King, and Kitchens also allied in one judgment specially concurring with the majority opinion.

Determining majority

None of the justices were in the majority for all four of the 5-4 opinions. There was no group of three justices who agreed in all four of those cases. Only two justices were opinion partners in all four of the split cases: Justices King and Kitchens.

In 2020, the Mississippi Supreme Court decided five cases 6-3. No three justices agreed in all five of those 6-3 decisions. There were two sets of opinion partners who allied in all five of those cases: Justices King and Kitchens, and Justices Maxwell and Chamberlin.

Lone dissenter

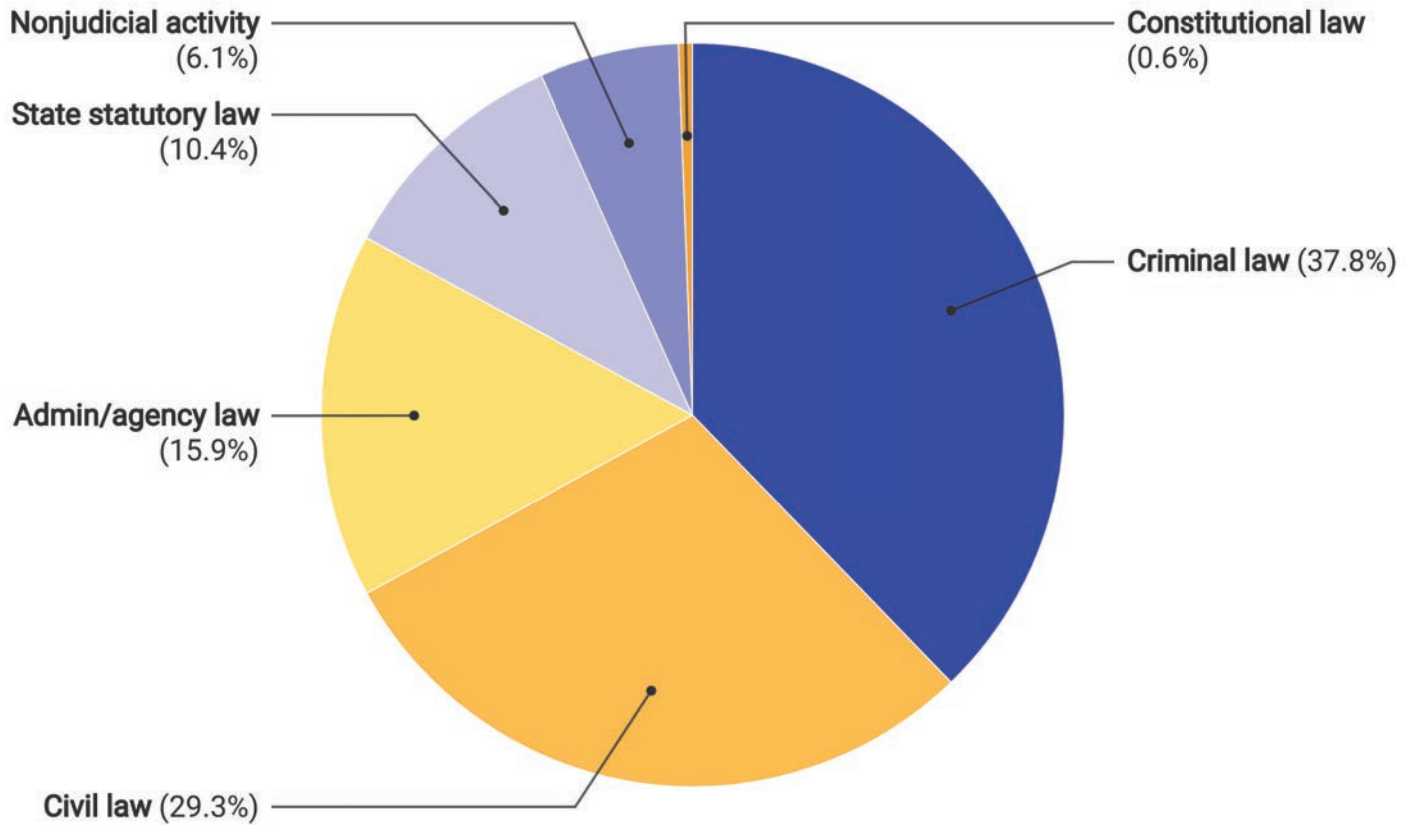
In 2020, Justice Griffis dissented alone three times, which was more than any other justice. There was a lone dissenter in five cases. Justices King and Kitchens were each lone dissenters once in 2020.

COURT JURISDICTION

The Mississippi Supreme Court has exclusive jurisdiction over capital punishment cases, along with annexations, bond issues, constitutionality challenges, death penalty cases, disciplinary matters involving attorneys and judges, election contests, certified questions from federal court, utility rates, cases of first

impression, and issues of broad public interest.

Case types decided by Mississippi Supreme Court, 2020



BALLOTPEDIA

The most common cases heard by the Mississippi Supreme Court in 2020 were criminal cases. Of the 164 cases it heard, 62 were criminal cases. A criminal case involves a final criminal appeal before the court of last resort.

The second most common cases that reached the supreme court were civil cases. A civil case is one that involves a dispute between two parties, one of whom seeks reparations or damages. The Mississippi Supreme Court heard 48 civil cases in 2020, or 29.3 percent of its total caseload for the year.

The third most common cases that reached the court were agency law cases. An agency law case first proceeds from an administrative law court or involves the enforcement of an administrative regulation. The Mississippi Supreme Court heard 26 agency law cases in 2020, or 15.9 percent of its total caseload for the year.

PROMINENT CASES

Reeves v. Gunn

Justice	Leslie King	Jim Kitchens	Josiah Coleman	Jimmy Maxwell	Dawn H. Beam	David Ishee	Mike Randolph	T. Kenneth Griffis	Robert Chamberlin
Reeves v. Gunn	Writing dissenting opinion	Agreeing with King's dissent	Writing dissenting opinion	Writing opinion concurring in part, dissenting in part	Joining Maxwell's opinion	Joining Maxwell's opinion	Writing majority opinion	Joining Maxwell's opinion	Agreeing with Coleman's dissent

- ◆ **Contention:** Justice Randolph wrote the majority opinion. Maxwell wrote a separate opinion concurring in part and dissenting in part. Maxwell was joined by Justices Coleman, Beam, Chamberlin, Ishee, and Randolph. Justice King wrote a dissenting opinion and was joined by Kitchens. Justice Coleman wrote a separate dissenting opinion which Maxwell and Chamberlin joined in part.
- ◆ **Summary:** The United States Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which allocated \$1.25 billion to the state of Mississippi to respond to COVID-19. The state legislature passed bills appropriating the money. House Bill 1782 was one such bill. It was an omnibus bill appropriating the money to the Mississippi Development Authority, the State Department of Health, the State Department of Mental Health, and the Board of Trustees of State Institutions of Higher Learning. The bill was sent to Gov. Tate Reeves (R) who vetoed two provisions of the bill. Two members of the Mississippi House of Representatives, the speaker of the Mississippi House of Representatives, and the speaker pro tempore of the House filed suit, charging the governor with violating the state constitution. The Mississippi Supreme Court ruled that the veto of parts of House Bill 1782 was lawful under section 73 of the Mississippi Constitution.
- ◆ **Majority argument:** Justice Randolph wrote: “Both the Governor and the Speaker and the Speaker Pro Tempore advance the argument that today’s dispute is controlled by article 4, sections 69, 72, and 73 of our Constitution. Section 73 of our Constitution grants the Governor authority to veto parts of any appropriations bill. Section 73 reads, verbatim: “the Governor may veto parts of any appropriation bill, and approve parts of the same, and the portions approved shall be law.” Miss. Const. art. 4, § 73.” (*Reeves v. Gunn*, 2020-CA-01107-SCT, 7 (Miss. 2020))
- ◆ **Concurring in part, dissenting in part argument:** Justice Maxwell wrote: “the established practice is to avoid addressing constitutional issues in cases that ‘can be resolved upon other bases[,] and surely this includes the right to invoke the jurisdiction of the Court.’ *Williams v. Stevens*, 390 So. 2d 1012, 1014 (Miss. 1980). Right or wrong, for forty years we have held “standing’ is a jurisdictional question . . .’ *Id.* So resolving standing prospectively certainly appears out of step with our Court’s established practice. I am not saying the Court cannot do this. I just question if it should.” (*Reeves v. Gunn*, 2020-CA-

01107-SCT, 12 (Miss. 2020))

- ◆ **Dissenting argument:** Justice King wrote: “Article 4, section 69, of our Constitution addresses appropriations bills. In making appropriations, the Legislature, and only the Legislature, has the power to ‘prescribe the conditions on which the money may be drawn, and for what purposes paid.’ Miss. Const. art. 4, § 69. The Governor’s power of partial veto relates to appropriations bills ‘containing several items of distinct appropriations[.]’ State v. Holder, 76 Miss. 158, 23 So. 643, 644 (1898); Miss. Const. art. 4, § 73. The parties agree that House Bill 1782 is such an omnibus appropriations bill. They disagree, however, regarding which portions constitute separate and distinct appropriations. The Governor’s partial veto power extends only to distinct, complete, whole appropriations. Holder, 23 So. at 645. The Governor may not veto purposes or conditions of an appropriation, but may only veto separable appropriations in their entirety.” (*Reeves v. Gunn*, 2020-CA-01107-SCT, 22 (Miss. 2020))
- ◆ **Dissenting argument:** Justice Coleman wrote: “Well-settled law requires us to determine whether the courts have the authority to decide the controversy before us before proceeding. Because the two legislators who filed the instant case lack standing and because standing is a jurisdictional requirement, the majority oversteps when it reaches the merits of the case. That the majority reaches the merits after first overruling the only case in which the Court has ever held that individual legislators have standing to challenge a governor’s veto is, at best, perplexing.” (*Reeves v. Gunn*, 2020-CA-01107-SCT, 33 (Miss. 2020))

Carver v. Public Employees’ Retirement System of Mississippi

Justice	Leslie King	Jim Kitchens	Josiah Coleman	Jimmy Maxwell	Dawn H. Beam	David Ishee	Mike Randolph	T. Kenneth Griffis	Robert Chamberlin
Carver v. Public Employees’ Retirement System of Mississippi	Agreeing with Kitchen’s dissent	Writing dissenting opinion	Writing majority opinion	Agreeing with majority opinion	Agreeing with majority opinion	Agreeing with Kitchen’s dissent	Agreeing with majority opinion	Agreeing with Kitchen’s dissent	Agreeing with majority opinion

- ◆ **Contention:** Justice Coleman wrote the majority opinion. He was joined by Justices Maxwell, Beam, Randolph, and Chamberlin. Justice Kitchens wrote a dissenting opinion and was joined by Justices Griffis, Ishee, and King.
- ◆ **Summary:** Brian Carver was a Jackson patrolman for 20 years and was involved in a shooting in which he shot and killed a suspect. When he returned to work he experienced physical and mental health issues while on duty and claimed that he suffered from post-traumatic stress disorder. Carver applied for non-duty-related and duty-related disability benefits. The Public Employees’ Retirement System of Mississippi denied his request for duty-related disability

benefits but granted his non-duty-related disability benefits. The denial was affirmed by the Disability Appeals Committee, the Hinds County Circuit Court, and the Court of Appeals. The Mississippi Supreme Court affirmed, finding that a physical injury arising from an accident or event in the line of duty was necessary to receive duty-related disability.

- ◆ **Majority Argument:** Justice Coleman wrote: “The plain language of Section 25-11-114(6) required, at the time Carver applied for benefits, a physical injury arising from an accident or traumatic event occurring in the line of duty. Post-traumatic stress disorder may cause physiological changes to the brain and manifest in physiological symptoms; however, no physical injury occurred in the line of duty in the case sub judice.” (*Carver v. Public Employees’ Retirement System of Mississippi*, No. 2018-CT-01045-SCT, 10 (Miss. 2020))
- ◆ **Dissenting Argument:** Justice Kitchens wrote: “Post-traumatic stress disorder (PTSD) satisfies the physical-injury requirement of Mississippi Code Section 25-11-114(6) because it physically changes the brain and causes physical manifestations of behavior.” (*Carver v. Public Employees’ Retirement System of Mississippi*, No. 2018-CT-01045-SCT, 11 (Miss. 2020))

Mississippi State Board of Contractors v. Hobbs Construction, LLC

Justice	Leslie King	Jim Kitchens	Josiah Coleman	Jimmy Maxwell	Dawn H. Beam	David Ishee	Mike Randolph	T. Kenneth Griffis	Robert Chamberlin
Mississippi State Board of Contractors v. Hobbs Construction, LLC	Joining majority opinion	Writing majority opinion	Agreeing with Beam's dissent	Agreeing with Beam's dissent	Writing dissenting opinion	Agreeing with Randolph's concurring opinion	Writing concurring opinion	Agreeing with Randolph's concurring opinion	Agreeing with Beam's dissent

- ◆ **Contention:** Justice Kitchens wrote the majority opinion. He was joined by Justice King. Justice Randolph wrote a concurring opinion and was joined by Justices Griffis and Ishee. Justice Beam wrote a dissenting opinion and was joined by Justices Coleman, Chamberlin, and Maxwell.
- ◆ **Summary:** The Mississippi State Board of Contractors revoked the certificate of responsibility held by Hobbs Construction because Hobbs did not pay Pyramid Interiors Distributors \$13,390 he owed in materials. Hobbs executed a forbearance agreement with Pyramid in which an agreement was reached that Hobbs would pay \$11,570. If Pyramid received the payment it would withdraw its complaint, but if Hobbs failed to pay, Pyramid would proceed. At a revocation hearing, the Board decided 5-1 that Hobbs was irresponsible and that its certificate should be revoked rather than suspended. Hobbs requested a preliminary injunction to prevent irreparable harm, claiming that without a preliminary injunction, it would lose business relationships and hundreds of thousands of

dollars in expected profits, and its employees would have to seek other work. The Mississippi Supreme Court ruled that the Board violated Hobbs's constitutional right to due process of law by not providing sufficient notice of the charges that were considered at the revocation hearing and were a basis for the revocation decision.

- ◆ **Majority Argument:** Justice Kitchens wrote: "Under the facts of this case, the Mississippi State Board of Contractors exceeded its powers and violated its own rules. It has allowed aggrieved parties to obtain relief through a misuse of their power that, while not as serious as, is akin to using criminal processes to collect civil debts. The Board abdicated control of its own docket, appeasing the wishes of a complainant to delay action, while delaying its duty to the public." (*Mississippi State Board of Contractors v. Hobbs Construction, LLC*, No. 2018-CA-01389-SCT, 28 (Miss. 2020))
- ◆ **Dissenting Argument:** Justice Beam wrote: "At the outset, I agree that the Board is not vested with judicial authority to resolve contractual disputes between contractors and subcontractors. But the Board is tasked with certain responsibilities by the Legislature in its mandate to protect persons from incompetent and unethical contractors. Thus, a fine line exists between what may be considered proper or improper measures taken by the Board in carrying out that mandate. That line is not blurred here, though, because the Board's minutes show that it did not revoke Hobbs's COR for the purpose of coercing payment or awarding damages to Pyramid. Rather, the Board considered Hobbs's failure to pay Pyramid as evidence that Hobbs was not responsible and that others should be protected from future misdealings by Hobbs." (*Mississippi State Board of Contractors v. Hobbs Construction, LLC*, No. 2018-CA-01389-SCT, 29 (Miss. 2020))